

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEBRASKA

UNITED STATES OF AMERICA,

Plaintiff,

vs.

PAUL KENNER,

Defendant.

4:16CR3085

ORDER

The defendant moves for a North Platte trial location. (Filing No. 6). The government has submitted the matter without filing an opposition.

This is a misdemeanor action arising from alleged violations of grazing rights to land in Cherry County, Nebraska. The defendant, Paul Kenner, along with his wife live and operate a ranch in Cherry County, Nebraska. The Kenners' three adult sons (one a partial quadriplegic) ranch with them. The defendant and his family members are potential witnesses for Defendant's case. And based on the claim at issue, it is likely the government's witnesses work and live in or near Cherry County. There is no evidence supporting a claim that extra court security would be needed during a trial of this case.

Cherry County, Nebraska is substantially closer to North Platte than Lincoln. For the convenience of the witnesses and the parties, the case will be tried in North Platte. See [United States v. Stanko, 528 F.3d 581, 582 \(8th Cir. 2008\)](#).

Criminal misdemeanor cases may be tried before a magistrate judge upon the consent of the parties. And upon consent, a magistrate judge may rule on all dispositive motions in a criminal misdemeanor case. The defendant's motion to dismiss is pending.

A superseding information has now been filed. The defendant may, in writing, waive his right to an initial appearance on the superseding information.

Accordingly,

1) Defendant's motion, (Filing No. 6), is granted, and this case is assigned to the North Platte trial docket.

2) To assist the court's calendaring and work distribution processes, if the parties consent to final disposition of the case by the undersigned magistrate judge, on or before September 23, 2016, they shall complete the attached "CONSENT TO RANDOM ASSIGNMENT TO MAGISTRATE JUDGE." After all parties have signed this form, e-mail it in .pdf format to clerk@ned.uscourts.gov. Do not electronically file this form or submit it to chambers. If the parties do not so consent, the case will remain assigned to a district judge.

3) If the defendant wants to waive his right to an initial appearance on the superseding information, or if he wants the initial appearance to be held telephonically, he must file a waiver of his right to appear before the court for an initial appearance on or before August 26, 2016, in the absence of which the court will promptly schedule an initial appearance on the superseding information to be held in North Platte, Nebraska.

August 20, 2016.

BY THE COURT:

s/ Cheryl R. Zwart
United States Magistrate Judge

IMPORTANT NOTICE: AFTER ALL PARTIES HAVE SIGNED THIS FORM, E-MAIL IT IN .PDF TO clerk@ned.uscourts.gov. IF PLAINTIFF IS PRO SE, MAIL TO THE CLERK'S OFFICE AT 111 South 18th Plaza, Suite 1152, Omaha, NE 68102.

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEBRASKA

_____,) Case Number: 4:16CR3085
Plaintiff,)
v.)
_____,) **CONSENT TO EXERCISE
OF JURISDICTION BY A
UNITED STATES MAGISTRATE JUDGE
AND
ORDER OF REFERENCE**
Defendant)

CONSENT TO EXERCISE OF JURISDICTION BY A UNITED STATES MAGISTRATE JUDGE

In accordance with the provisions of 28 U.S.C. § 636(c), 18 U.S.C. § 3401, and NeCrimR 59.3, the parties in this case hereby voluntarily consent to have a United States magistrate judge conduct any and all further proceedings in the case, including the trial, and order the entry of a final judgment. Any appeal shall be taken to the United States court of appeals for this circuit.

Signature of Attorney or Party

Name of Party

Date

For _____

For _____

For _____

For _____

ORDER OF REFERENCE

IT IS HEREBY ORDERED that this case be referred to the Honorable _____, United States Magistrate Judge, for all further proceedings and the entry of judgment in accordance with 28 U.S.C. § 636(c), 18 U.S.C. § 3401, and NeCrimR 59.3 and the foregoing consent of the parties.

Date

United States District Judge